

MEMO ENDORSED.

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The motion to seal is **GRANTED**.

SO ORDERED.



April 7, 2025

Ona T. Wang
U.S.M.J.

Apr. 9, 2025

BY ECF

The Honorable Ona T. Wang, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: Letter Motion per Individual Practice Rules III.c, III.d, & IV.
Mariko Shinagawa, et. Al. v. United States of America
1:22-CV-10173**

Dear Judge Wang:

I respectfully submit this letter pursuant to Your Honor's Individual Practice Rule IV. As you know, Your Honor signed the Infant Compromise Order Approving the Settlement on Behalf of a Minor on April 4, 2025 (the "ICO"). However, pursuant to ECF filing rules, the ICO was filed in redacted form. We respectfully request that an unredacted copy of the ICO be signed and filed under seal, as having an unredacted copy will make it easier for the Plaintiffs when applying to the New York Medical Indemnity Fund and when opening the guardianship bank accounts approved under the ICO. A copy of the unredacted unsigned ICO is attached hereto as Exhibit 1.

Pursuant to Your Honor's Individual Practice Rule IV, the Plaintiffs respectfully request that the Unredacted ICO be submitted and signed under seal since it contains the Infant's full name in order to comply with ECF filing rules and protect the Infant's privacy. The Defendants do not object to this request.

Plaintiffs submit that this request is in line with the cases of *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2006) and *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814

F.3d 132 (2016). Plaintiffs submit that the role of the unredacted ICO (for which the signed redacted copy is already filed under ECF No. 121) in the “performance of Article III duties” is “negligible,” and thus the “weight of the presumption” in favor of disclosure is low. This is especially true as the unredacted copy of the ICO is efiled and publicly available, and as the only difference between the redacted ICO filed under ECF No. 121 and the attached unredacted ICO is that the Infant’s full name is redacted. Thus, the proposed sealed unredacted ICO is not being used to determine the litigants’ substantive legal rights, and is also not the basis for the adjudication, is not a pleading, and is not a motion for summary judgment, and thus the presumption in favor of disclosure is low. See Bernstein, 814 F.3d at 139-142.

In addition, the Plaintiffs have a strong privacy interest against the public filing of the Infant’s full name in order to protect the Infant’s privacy, as this is the reason that the ECF filing rules generally require redaction of children’s names, and the proposed seal is narrowly tailored to the privacy interest (given that the unredacted copy is already efiled).

Therefore, as the weight of the presumption of public access is low, as it is not highly relevant to the exercise of Article III judicial power, as there are strong privacy interests for the unredacted ICO being sealed, and as the redactions are narrowly tailored to serve the privacy interest, Plaintiffs respectfully request permission to file the unredacted version of the ICO (attached hereto as Exhibit 1) under Seal and have the signed version also filed under Seal.

Please let me know if the Court has anything else or has any questions. Thank you for consideration of this request.

Respectfully submitted,
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